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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,169	07/25/2003	Achim Gleissner	GK-EIS-1067/ 500593.20059	3898
7590 Gerald H. Kiel, Esq. REED SMITH LLP 599 Lexington Avenue New York, NY 10022-7650			EXAMINER YUN, EUGENE	
			ART UNIT 2618	PAPER NUMBER
			MAIL DATE 11/01/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/627,169

Applicant(s)

GLEISSNER, ACHIM

Examiner

Eugene Yun

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 3-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okazaki et al. (US 6,889,043) and Yamamoto (JP 2002-216464 "IDS") and further in view of Yeh (US 6,567,076).

Referring to Claim 1, Okazaki teaches A microphone device, comprising:

a microphone 26 (fig. 1) having a microphone transducer (see col. 5, lines 39-46); and

a recording unit for recording signals generated by the microphone transducer of the microphone (see col. 7, lines 30-44);

said recording unit and said microphone being connected to one another via a detachable plug connection (see 124 and 21 in fig. 1) and the signals generated by the microphone transducer being transmitted to the recording unit via the plug connection (see col. 7, lines 45-49 and line 63 to col. 8, line 3).

Okazaki does not teach the recording unit and the microphone mechanically rigidly connected to one another in such a way that the mechanical position relative to one another remains unchanged, and an XLR plug connection between the recording unit and the microphone. Yamamoto teaches the recording unit and the microphone

mechanically rigidly connected to one another in such a way that the mechanical position relative to one another remains unchanged (see fig. 2 where the microphone 11 and recording unit 21 clearly appear to be “mechanically rigidly connected to one another”), and an XLR plug connection between the recording unit and the microphone (see figs. 1 and 3 where the 3-prong connection B1-B3 is known in the art to be an XLR connection). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Yamamoto to said device of Okazaki in order to increase the portability of a recording unit.

The combination of Okazaki and Yamamoto does not teach a housing enclosing the microphone, the recording unit and the connection, such that the recording unit and the connection is not visible. Yeh teaches a housing enclosing the microphone (see col. 1, lines 50-53), the recording unit and the connection, such that the recording unit and the connection is not visible (see col. 2, lines 46-49). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Yeh to the modified device of Okazaki and Yamamoto in order to better obtain audio recordings while the outside source is unaware.

Referring to Claim 3, Okazaki also teaches means for data reduction formed in the recording unit and wherein the audio signals are recorded with a data-reduced format (see col. 6, line 64 to col. 7, line 11).

Referring to Claim 4, Okazaki also teaches an interface formed in the recording unit for wireless transmission of recorded audio signals (see col. 11, lines 4-13).

Referring to Claim 5, Okazaki also teaches a headphone socket formed in the recording unit, by which the audio signal recorded by the microphone is audible (see col. 7, lines 45-49).

Referring to Claim 6, Okazaki also teaches that the recording unit can be connected to a mobile telephone and has appropriate connection devices for this purpose and a mobile telephone/headset can be connected to the recording unit and/or the mobile telephone (see col. 5, lines 21-38).

Referring to Claim 7, Okazaki also teaches that audio signals recorded by the recording unit are transmitted via the mobile telephone at a signal rate which is lower or higher than the recording data rate and wherein transmission to the mobile telephone can preferably already be started, while audio signals are picked up by the microphone and are recorded and stored by the recording unit (see col. 6, line 64 to col. 7, line 11).

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1 and 3-7 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***


4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eugene Yun whose telephone number is (571) 272-7860. The examiner can normally be reached on 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on (571)272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Eugene Yun  
Examiner  
Art Unit 2618

EY

  
MATTHEW ANDERSON  
SUPERVISORY PATENT EXAMINER